

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

WP(C).No. 19760 of 2005(B)

IA.4687/04 & 5420/04 IN OS.1477/2003 of I ADDITIONAL
MUNSIFF'S COURT, ERNAKULAM

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PETITIONER:

M.L.VINNY, S/O.LATE M.K.LONAPPAN,
MENACHERRY HOUSE, NARAKKAL P.O. NARAKKAL,
KOCHI TALUK.

BY ADV. SRI.JOHN JOSEPH(ROY)

RESPONDENTS:

1. KERALA VYAPARI VYAVASAYI EKOPANA SAMITHI
ERNAKULAM DISTRICT COMMITTEE, VYAPARI BAHVAN,
PALLIMUKKU, REPRESENTED BY THE GENERAL SECRETARY,
S.DIVAKARAN PILLAI.
2. P.A.M.IBRAHIM, S/O.T.B.ABDUL KHADER,
PARAKKATTU HOUSE, C.P.UMMER ROAD, ERNAKULAM, KOCHI

BY ADV. SRI.DINESH R.SHENOY
SRI.JOJO GEORGE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 29/05/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXTS:

Ext.P1 – TRUE COPY OF ORDER DT.30.11.2004 IN I.A.4687/04 OF MUNSIFF'S COURT, ERNAKULAM.

Ext.P2 – TRUE COPY OF ORDER DT.30.11.04 IN I.A.5420/04 OF THE MUNSIFF'S COURT, ERNAKULAM.

RESPONDENTS' EXTS:

Ext.R1 – TRUE PHOTO COPY OF CERTIFICATE SHOWING THE ELECTED OFFICE BEARERS OF THE KAVVES, NARAKKAL UNIT.

Ext.R1(A) – TRUE PHOTO COPY OF I.A.5420/04 IN O.S.1477/03 OF MUNSIFF'S COURT, ERNAKULAM.

Ext.R1(B) – TRUE PHOTO COPY OF PETITION I.A.4687/04 FILED TO REJECT WRITTEN STATEMENT.

Ext.R1(C) – TRUE PHOTO COPY OF COUNTER AFFIDAVIT IN I.A.4687/04.

/TRUE COPY/

PIUS C. KURIAKOSE, J.

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W.P.(C) No.19760 OF 2005
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DATED THIS THE 29TH MAY, 2007

J U D G M E N T

It is by now settled that the court has power to receive written statements filed even beyond 90 days of receipt of summons by the defendants, vide the judgment reported in **Kailash v. Nanhku** [2005 (2) KLT 623 (SC)]. Under these circumstances, Exts.P1 and P2 orders are set aside/modified and the Munsiff's Court, Ernakulam is directed to receive the written statement filed by the petitioner on file, formulate issues on the basis of the contentions raised therein and dispose of the suit O.S.No.1477 of 2003 in accordance with law.

The Writ Petition is allowed as above. No costs.

(PIUS C. KURIAKOSE, JUDGE)

tgl

WP(C)N0.

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